

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS**

**Erin Powell, as Next Friend to
J.P., a Minor Child**

Plaintiff,

vs.

Graco Children's Product's Inc.,

Defendant

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Civ. Action No. 4:14-cv-00661-SWW

**APPLICATION TO APPOINT A. POWELL SANDERS AS GUARDIAN AD
LITEM FOR MINOR PLAINTIFF, J.P. AND MOTION TO APPROVE
COMPROMISE SETTLEMENT OF MINOR**

1. Plaintiff, J.P., is a minor child and son of named Plaintiff, Erin Powell. J.P.'s date of birth is October 16, 2008. Due to his minority, J.P. is not competent to represent himself in the present action.

2. Applicant A. Powell Sanders is an attorney licensed in Arkansas state and federal courts who is not counsel of record in this proceeding. A. Powell Sanders was appointed Guardian ad Litem for J.P. by the Faulkner County Circuit Court in Arkansas by Order dated January 2, 2014 in connection with another lawsuit based on the same occurrence which gives rise to this case. The Circuit Court's Order is attached hereto as **Exhibit "A."** No other Guardian ad Litem is currently appointed for J.P. in connection with the case at bar.

3. A. Powell Sanders's address is 17 North 6th Street, Fort Smith, Arkansas, 72901. His phone number is (479)782-3434.

4. A. Powell Sanders is of the age of majority and is fully competent to act as Guardian ad Litem for minor plaintiff, J.P., in the present action, and has the added benefit of knowledge of the occurrence and negotiations for settlement in related cases involving J.P.

5. On behalf of the minor Plaintiff, J.P., and his mother, Erin Powell, I respectfully request that the Court appoint A. Powell Sanders as Guardian ad Litem for J.P. in this proceeding, including authorizing him to review offers of settlement J.P. may receive and to make recommendations to the court as to whether said settlement is in the best interest of J.P. Because A. Powell Sanders is an officer of the Court, he should be allowed to serve without bond.

6. Once appointed, A. Powell Sanders should be authorized to accept the proposed settlement offer of an amount to be provided *in camera* because this is a confidential, undisclosed settlement, on behalf of J.P.

7. Attorney's fees and costs to be immediately disbursed from the settlement amount will be disclosed *in camera*.

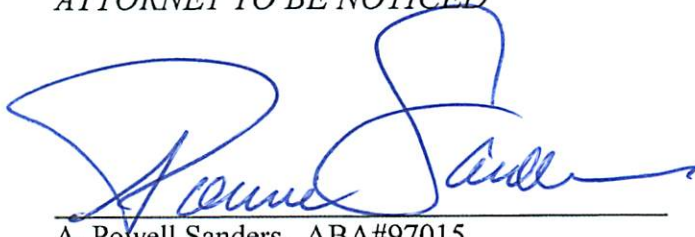
8. Previously, in connection with another settlement related to the occurrence giving rise to this lawsuit, a special needs trust was set up for the use and benefit of J.P. The funds are held at Arvest Bank, pursuant to an Order of the Faulkner County Circuit Court, which is attached hereto as **Exhibit "B."** All annuity proceeds should be directed to be paid into the special needs trust within one year of disbursement.

9. It is in the best interest of the minor Plaintiff, J.P. that A. Powell Sanders, as duly-appointed Guardian ad Litem, accept the proposed settlement offer, execute all necessary documents to effect settlement, immediately oversee the disbursement of the amounts for attorney's fees and costs which will be disclosed *in camera* to counsel of record for J.P., to oversee the deposit of a lump sum to be disclosed *in camera* into the previously established special needs trust at Arvest Bank for the benefit of J.P., and to take any other necessary steps to complete the settlement process and resolve this matter on behalf of J.P.

Respectfully submitted,



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CONSENT TO APPOINTMENT AS GUARDIAN AD LITEM

I declare under penalty of perjury that the foregoing is true and correct. I consent to the appointment as guardian ad litem for minor plaintiff, J.P., pursuant to the instant petition.

Dated: Feb 25, 2016.


A. Powell Sanders, ABA#97015

ORDER

THE COURT FINDS THAT IT IS REASONABLE AND NECESSARY TO APPOINT A GUARDIAN AD LITEM FOR THE PERSON NAMED IN THE APPLICATION AS REQUESTED. IT IS HEREBY ORDERED THAT A. POWELL SANDERS IS APPOINTED AS THE GUARDIAN AD LITEM FOR J.P. FOR THE REASONS SET FORTH IN THE APPLICATION.

DATED: _____, 2016.

Judge, United States District Court

ORDER

THE COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE MINOR PLAINTIFF, J.P., FOR HIS DULY APPOINTED GUARDIAN AD LITEM, A. POWELL SANDERS, TO ACCEPT AND PROCESS THE PROPOSED SETTLEMENT OFFER, THE AMOUNT OF WHICH WILL BE DISCLOSED IN CAMERA, AND ANY ORDER REFERENCING SUCH AMOUNT TO BE HELD UNDER SEAL. A. POWELL SANDERS IS AUTHORIZED TO EXECUTE WHATEVER DOCUMENTS ARE NECESSARY TO PROCESS THE SETTLEMENT, TO OVERSEE THE DISBURSEMENT OF REASONABLE ATTORNEYS FEES AND COSTS TO COUNSEL OF RECORD FOR THE MINOR PLAINTIFF, J.P., REPRESENTING HIS TOTAL REASONABLE AND CONTRACTUAL ATTORNEY'S FEES AND COSTS, TO OVERSEE THE DEPOSIT OF AN AMOUNT DISCLOSED IN CAMERA INTO A SPECIAL NEEDS TRUST FOR THE BENEFIT OF THE MINOR PLAINTIFF, J.P., AND TO TAKE WHATEVER OTHER STEPS ARE NECESSARY TO SETTLE THIS MATTER.

DATED: _____, 2016.

Judge, United States District Court

CERTIFICATE OF SERVICE

I, Phillip L. Votaw, hereby certify that a true and correct copy of the foregoing pleading has been provided to the listed counsel, via electronic mail, on this 25 day of February, 2016:

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Phillip L. Votaw,